

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00258

Jay Williams,
Plaintiff,

v.

John Garrison,
Defendant.

ORDER

Plaintiff Jay Williams, an inmate at the Henderson County Jail, proceeding pro se, filed this lawsuit complaining of alleged violations of his rights pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love. On July 17, 2023, the magistrate judge issued a report recommending that this case be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Doc. 8. The magistrate judge further recommended that dismissal of this case should count as a qualifying dismissal under 28 U.S.C. § 1915 and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996). Plaintiff has not filed an objection to the report and recommendation but has filed a handwritten coupon as an attempt at payment in this matter. Doc. 9.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Moreover, as plaintiff has been made aware, the filing of a handwritten "coupon" is not an acceptable form of payment and does not therefore impact the court's screening pursuant to 28 U.S.C. § 1915A. *See* Doc. 3.

Accordingly, this case is dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The dismissal of this action under § 1915A(b)(1) counts as a strike under 28 U.S.C. § 1915(g). *See*

Adepegba, 103 F.3d at 388. Plaintiff is warned that if he accumulates three strikes, he will not be permitted to proceed *in forma pauperis* in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g). All motions pending in this civil action are denied.

So ordered by the court on August 23, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge